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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 MICHAEL DAVITT,
8 #91072

9 Plaintiff,

10 vs.

11 FOSTER,

12 Defendant.
13 _____)

3:09-cv-0120-BES-VPC

ORDER

13 This prison civil rights action comes before the Court following Plaintiff's failure to pay
14 the \$350.00 filing fee in response to the Court's May 19, 2009 Order (#3). The Court denied
15 Plaintiff's application to proceed *in forma pauperis* and ordered he must pay the full filing fee
16 within thirty (30) days or his case would be dismissed. Plaintiff has not paid the filing fee in
17 response to the Order, and the action will be dismissed.

18 IT IS THEREFORE ORDERED that this action shall be DISMISSED without prejudice
19 for failure to pay the filing fee. The Clerk of Court shall enter final judgment accordingly.

20 DATED: This 1st day of July, 2009.

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23 _____)
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UNITED STATES DISTRICT JUDGE